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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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DAMON LAMAR CAMPBELL,
8 Plaintiff,
9 vs.
10 MANUEL PORTILLO et al.,
11 Defendants.
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3:11-cv-00532-RCJ-VPC

ORDER

13 Plaintiff is a prisoner in the custody of the Nevada Department of Corrections. He sued
14 Defendants in this Court under 42 U.S.C. § 1983 for various civil rights violations. The Court
15 permitted excessive force and deliberate indifference claims under the Eighth Amendment to
16 proceed upon screening and later adopted the Magistrate Judge's report and recommendation to
17 grant summary judgment to Defendants. The Court of Appeals reversed as to the excessive force
18 claim, which is set for trial.

19 Plaintiff has asked to appear at trial in civilian clothes and with his hands unshackled.
20 Defendants agree that Plaintiff need only be shackled at the legs, with skirts concealing both
21 Plaintiff's and Defendants' tables, and that Plaintiff need not also be shackled at the hands.
22 Defendants oppose Plaintiff's request to appear in street clothes, however, noting that unlike in a
23 criminal case there is no presumption of innocence against which to prejudice the jury. The jury
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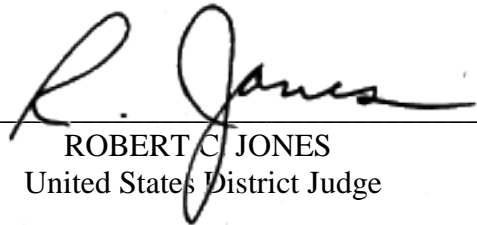
1 in this case will necessarily know that Plaintiff is a convict, as the nature of the case involves an
2 altercation with prison guards. Defendants are correct. *Duckett v. Godinez*, 67 F.3d 734, 747
3 (9th Cir. 1995) (collecting cases and holding that there was no prejudice to a criminal defendant
4 made to wear prison clothing at the sentencing phase of his trial after his guilt was no longer at
5 issue) (“Prison clothing cannot be considered inherently prejudicial when the jury already
6 knows, based upon other facts, that the defendant has been deprived of his liberty.”).

7 **CONCLUSION**

8 IT IS HEREBY ORDERED that the Motion for Order to Produce Inmate for Trial (ECF
9 No. 98) is GRANTED IN PART and DENIED IN PART. Plaintiff shall appear at trial in leg
10 restraints with his hands unshackled. Plaintiff’s and Defendants’ tables shall be skirted. The
11 Nevada Department of Corrections need not permit Plaintiff to appear in civilian clothing.

12 IT IS SO ORDERED.

13 Dated this 15th day of May, 2018.

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15 ROBERT C JONES
16 United States District Judge
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